THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.13250 of 2007

Dated:25.06.2007

Between:

Pillala Appala Naidu and others.

..Petitioner.

and

The National Highway Authority of India,
Visakhapatnam and others.

..Respondents.

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.13250 of 2007

ORDER:

The petitioners claim to be the owners of the buildings on both sides of the road from Visakhapatnam to Araku. They alleged that the respondents are taking steps to demolish the structures on both sides of the road for the purpose of widening it and in that process, they have neither issued notices nor followed the procedure prescribed under the National Highways Act, 1956 (for short 'the Act').

Heard the learned counsel for the petitioners and the learned Government Pleader for R & B.

It is not clear as to whether the buildings, which are said to be owned by the petitioners, are constructed on any road margin or on the private patta lands. When the respondents have taken up widening of the road, the properties abutting to it are naturally effected. In case the structures affected in the road widening are on the road margin, the occupants need to be given reasonable time to vacate the same, and therefore, the question of paying any compensation to the encroachers into the road margin does not

arise. If the structures are on the private patta lands and they are needed for widening of the road, the procedure prescribed under the Act is to be followed. Without following such procedure, the citizens cannot be effected nor the structures be demolished.

For the foregoing reasons, the Writ Petition is disposed of with the following directions:

(a) in case the structures of the petitioners either in entirety or part are on the road margin, the respondents shall give one month time to the petitioners to vacate such portions;

(b) if the structures constructed by the petitioners on their patta lands are needed for widening of the road, the respondents shall follow the procedure prescribed under the Act.

There shall be no order as to costs.

_____

L. NARASIMHA REDDY, J

Dated:25.06.2007

Note:Issue CC in two days.

(Bo)

sj